United Nations A/71/742–S/2017/11

General Assembly
Security Council

Distr.: General
9 January 2017

Original: English

General Assembly
Seventy-first session
Agenda item 61
Peacebuilding and sustaining peace

Security Council
Seventy-second year

Letter dated 5 January 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I write to you to make clear the viewpoints regarding the letter dated 20 December 2016 from the Under-Secretary-General for Political Affairs on behalf of the former Secretary-General.

I want to begin with the conclusion that the letter does not answer my question on what are the legal grounds for the Security Council "sanctions resolutions" against the Democratic People's Republic of Korea (DPRK) regarding its nuclear tests and peaceful satellite launch.

In my letters to the former Secretary-General dated 23 May (A/70/897-S/2016/465) and 5 December 2016 (A/71/672-S/2016/1042), I questioned whether there is a single article in international law that stipulates that nuclear tests and satellite and ballistic rocket launches constitute a threat to international peace and security and that serves as the legal grounds for the Security Council "sanctions resolutions" against DPRK.

However, to my regret, the Secretariat has mentioned only Article 39 of the Charter of the United Nations without a single word in response to my question.

Article 39, which the Secretariat mentioned in the letter, cannot be the legal grounds for "sanctions resolutions", as was already discussed in the international law community.

In 1966, when the former Rhodesia declared independence from the British colonial regime, the Security Council adopted a sanctions resolution invoking Article 39 as its legal grounds for the first time in the history of the United Nations. In that regard, the international law community asserted that a declaration of independence was not a threat to the peace or a breach of the peace and labelled the adoption of the sanctions resolution as an act of abuse of power, and even the writers of the Charter clarified that they had drafted Article 39, referring to an act of aggression, not to be invoked for sanctions in peaceful times.

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If any nuclear test or satellite or ballistic rocket launch were considered a "threat to international peace and security", the Security Council should make an issue of and enforce sanctions on the United States and other countries regarding their more than 2,000 nuclear tests and ongoing regular satellite and ballistic rocket launches.

This clearly proves that Article 39 has no relation to any nuclear tests or satellite launches.

The acts by the Security Council of fabricating an unlawful and immoral "sanction resolution", imposing a blockade and going as far as including in the list of targets of sanctions even sports rifles and bullets and bows and arrows are nothing but an act against humanity and civilization, severely threatening the right to life of our people and destroying modern civilization, as well as making the whole world turn back to the medieval dark ages.

The hydrogen bomb test, nuclear warhead test and test firing of various means of strike, including intercontinental ballistic rockets, are all the full exercise of the legitimate right, as stipulated in the Charter, to self-defensive measures for deterrent power that can wipe out the source of provocation in case of the encroachment upon our sovereignty and right to survival by hostile forces.

As long as the United States and its followers keep up nuclear threats and blackmail, and as long as they do not stop their war games at our doorstep, disguising them as annual events, our self-defensive capabilities and the capability for a pre-emptive strike with nuclear armed forces as their pivot will be bolstered significantly.

I hope that the Secretariat will discharge its responsibility before the international community by considering the questions regarding the legal grounds for the "sanctions resolutions" against DPRK with deep thought and by responding with impartial answers to them in conformity with the mission of the United Nations for international peace and security as its primary one.

Furthermore, I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(*Signed*) **Ja** Song Nam
Ambassador
Permanent Representative of
the Democratic People's Republic of Korea
to the United Nations

United Nations A/71/743

General Assembly

Distr.: General
10 January 2017
English
Original: Spanish

General Assembly
Seventy-first session
Agenda item 43
Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to transmit herewith the official press release of the Ministry of Foreign Affairs and Worship of Argentina on the occasion of the 184th anniversary of the usurpation of the Malvinas Islands by the United Kingdom, marked on 3 January (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 43, concerning the question of the Malvinas Islands.

(*Signed*) Martín **García Moritán**
Ambassador
Permanent Representative

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Annex to the letter dated 3 January 2017 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

Today marks the 184th anniversary of the usurpation of the Malvinas Islands. On 3 January 1833, British forces evicted the lawfully established Argentine population and authorities from the Islands and replaced them with British subjects. The Argentine Republic immediately protested that illegitimate act of force, to which it never consented.

Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly expressed its political resolve to exercise its effective sovereignty over the southern territories and maritime areas which it inherited from Spain.

Today, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

The permanent and unrenounceable objective of recovering the full exercise of sovereignty over these territories and maritime areas, in accordance with the principles of international law, while respecting the way of life of the inhabitants of the Malvinas Islands, is enshrined in the first transitional provision of the national Constitution. This objective is a State policy and reflects the collective desire of the entire Argentine people.

In 1965, the General Assembly, with its adoption of General Assembly resolution 2065 (XX), recognized the existence of a colonial situation in the Malvinas Islands and took note of a dispute between Argentina and the United Kingdom concerning sovereignty over the said Islands, inviting both Governments to settle the dispute through bilateral negotiations. A further nine General Assembly resolutions, as well as annual resolutions of the Special Committee on Decolonization, have been adopted along the same lines.

In accordance with General Assembly resolution 31/49, the Republic of Argentina calls upon the United Kingdom to refrain from engaging in unilateral acts in the area under dispute, in particular acts related to the exploration and exploitation of renewable and non-renewable natural resources.

Our region has shown unanimous support for the Republic of Argentina's legitimate sovereignty rights through a variety of pronouncements at the presidential summits of the States parties and associated States of the Southern Common Market (MERCOSUR), of the Union of South American Nations (UNASUR) and of the Community of Latin American and Caribbean States (CELAC). Other multilateral and regional forums have also expressed their support for the resumption of negotiations, such as the Organization of American States (OAS), the Group of 77 and China, the South American and Arab Countries Summit, the Africa-South America Summit and the Ibero-American Summit.

The Argentine Republic reiterates its firm commitment to the peaceful settlement of disputes and to respect for international law and invites the United Kingdom to further the dialogue started the previous year, with a view to resuming the negotiations that might make it possible to find a peaceful and definitive solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as soon as possible, in accordance with the repeated calls of the international community.

Buenos Aires, 3 January 2017

United Nations A/71/744–S/2017/32

General Assembly
Security Council

Distr.: General
11 January 2017

Original: English

General Assembly
Seventy-first session
Agenda items 32 and 37

Security Council
Seventy-second year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 11 January 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to convey herewith the records of violations of the ceasefire by the Republic of Armenia in December 2016 (see annex). During the reporting period, Armenia violated the ceasefire regime 1,208 times and continued the usage of large-calibre guns and heavy weaponry from its positions in the occupied territories of the Republic of Azerbaijan and from its own territory.

As a result, two servicemen of the armed forces of the Republic of Azerbaijan were wounded.

The continuous occupation of a large part of the territory of the Republic of Azerbaijan by the armed forces of Armenia remains the main obstacle in the settlement of the conflict and the only source of the escalation of the situation on the front line and the occurrence of hostilities and casualties.

The sooner the Republic of Armenia withdraws its troops from the occupied territories of the Republic of Azerbaijan, the sooner peace and stability can be restored in the region.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 32 and 37, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

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Please recycle

Annex to the letter dated 11 January 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Armenia for December 2016*

Dates	*Direction (locality)*	*Weapons used*	*Number of ceasefire violations*	*Casualties and damages*
1-31 December	**Agham district, Azerbaijan**			
	Ahmadaghali village	AK	3	
	Bash Garvand village	AK/AKM	7	
	Chiragly village	AK	3	
	Javahyrly village	AK/AKM	24	
	Kengerli village	AK	2	
	Merzili village	AK/AKM	8	
	Saryjaly village	AK/AKM/SVD	19	
	Shuraabad village	AK/AKM/DShK/PKM	26	
	Shykhlar village	AKM/AK/PKM	18	
	Shyrvanly village	AK/AKM	3	
	Yusifjanly village	AK/AKM	22	
	Agstafa district, Azerbaijan			
	Kohna Gyshlag village	AKM/PKM	5	
	Fizuli district, Azerbaijan			
	Ashaghy Abdurrahmanly village	AK	40	
	Ashaghy Seyidahmadly village	AK	6	
	Ashaghy Seyidahmadly and Alikhanly villages	AK	16	
	Ashaghy Veysalli village	AKM/AK	7	
	Garakhanbeyli village	AK	21	
	Garakhanbeyli and Alkhanly villages	AK	5	
	Garvand village	AK	1	
	Horadiz village	AK/AKM	48	
	Kurdlar and Ashagy Abdurrahmanly villages	AK/AKM	21	
	Korgan and Ashaghy Abdurrahmanly villages	AK	6	
	Korgan and Shukurbayli villages	AK/AKM	6	

* Settlements of the Republic of Azerbaijan included in this information are under occupation by the Republic of Armenia or situated close to the fire point areas.

Abbreviations: AGS, automatic grenade launcher, mounted; AK, Kalashnikov assault rifle; AKM, modernized Kalashnikov assault rifle; DShK, heavy machine gun, MT, mine thrower; OSV-96, semi-automatic sniper rifle; PK, Kalashnikov machine gun; PKM, modernized Kalashnikov machine gun; RPG-7V, hand-held anti-tank grenade launcher; SVD, sniper rifle; 60mm MT, mortar; 82mm MT, mortar.

Dates	*Direction (locality)*	*Weapons used*	*Number of ceasefire violations*	*Casualties and damages*
	Unnamed heights	AK/DShK/AGS	161	
	Yukhary Abdurrahmanly and Ashaghy Abdurrahmanly villages	AK	4	
	Yukhary Seyidahmadly village	AK	1	
	Gazakh district, Azerbaijan			
	Ashagy Askipara village	AKM	1	
	Jafarli village	PK/AK/PKM	5	
	Farahli village	AKM/AK	5	
	Gaymagly village	AKM/AK	5	
	Gushchu Ayrum village	AK	4	
	Gyzylhajili village	PKM/DShK/AKM	6	
	Kemerly village	AK	4	
	Unnamed heights	AKM/AK/PKM	26	
	Gedebey district, Azerbaijan			
	Unnamed heights	AK/DShK	7	
	Goranboy district, Azerbaijan			
	Gulustan village	AKM/PKM/DShK	6	
	Tapgaragoyunlu village	AK/AKM/SVD	38	
	Unnamed heights	AK/AKM/DShK	44	
	Goygol district, Azerbaijan			
	Unnamed heights	AKM	1	
	Jabrayil district, Azerbaijan			
	Mehdili village	AK	6	
	Mehdili and Jojug Marjanli villages	AK	4	
	Nuzgar village and Lala Ilahi heights	AK/DShK/PKM	39	
	Nuzgar and Gazakhlar villages	AKM	3	
	Unnamed heights	AK	11	
	Khojavand district, Azerbaijan			
	Kuropatkino village	AK/AKM/PKM/60mm MT	130	Two servicemen of the armed forces of Azerbaijan were wounded
	Unnamed heights	AK/AKM/PKM/SVD	125	
	Tartar district, Azerbaijan			
	Borsunlu village	AK/AKM/60mm MT	2	
	Chayly village	AK/AKM	31	
	Jerabert village	AK/AKM/PKM	30	
	Karmiravan village	AKM/82mm MT/AK/DShK	56	

Dates	*Direction (locality)*	*Weapons used*	*Number of ceasefire violations*	*Casualties and damages*
	Levonarkh and Hasangaya villages	AKM	1	
	Levonarkh village	AK/AKM/DShK	40	
	Seysulan and Gapanli villages	DShK	1	
	Unnamed heights	AK	3	
	Yarymja village	AKM	4	
	Tovuz district, Azerbaijan			
	Aghdam village	AK/AKM	9	
	Aghbulag village	AK/DShK/AKM	26	
	Alibayli village	AK/AKM	6	
	Kokhanabi village	AK/AKM/OSV-96/DShK/PKM	34	
	Munjuglu village	AKM	11	
	Unnamed heights	AKM	1	

United Nations A/71/745–S/2017/34

General Assembly
Security Council

Distr.: General
12 January 2017

Original: English

General Assembly
Seventy-first session
Agenda items 32 and 37

Security Council
Seventy-second year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Identical letters dated 11 January 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

In connection with the open debate of the Security Council on an important and timely topic of conflict prevention and sustaining peace, which was convened at the commendable initiative of the Swedish presidency on 10 January 2017, and further to the statement made by the delegation of the Republic of Azerbaijan at the debate, I would like to bring to your attention the following.

The Republic of Azerbaijan highly appreciates and fully supports the Secretary-General's appeal for peace issued on 1 January 2017. Azerbaijan will be an active and strong partner genuinely contributing to joint efforts towards making 2017 a year for peace.

The principle of the peaceful settlement of disputes is one of the cornerstones of the Charter of the United Nations and the international legal order. Its primary objective is to commit States to respect each other's sovereignty, territorial integrity and political independence, and refrain in their international relations from the threat or use of force.

International law requires not just an outcome in preventing or resolving conflicts, but that such an outcome be accompanied by a process that is consistent with particular norms. It is important that conflict prevention and conflict settlement frameworks and mechanisms not be used as a tool to entrench the situation achieved as a result of aggression and ethnic cleansing and promote solutions that are a priori illegal. Attempts to impose or encourage such solutions will fail to provide the foundations necessary for sustainable peace and long-term stability.

17-00546 (E) 170117

Please recycle

As a matter of priority, special attention should be given to the implementation of resolutions adopted by the principal organs of the United Nations, in particular those relating to the peaceful settlement of disputes and the prevention and resolution of conflicts.

It is also important to underline the role of the rule of law in establishing a stable and durable peace. The imperative of shedding light on real facts and combating impunity is undeniable.

Such efforts must be free of selectivity and politically motivated approaches, however difficult or even unrealistic that may seem. Indeed, the harsh reality is that where the political interests prevail and the unity of purpose in a global sense is absent, international law and any commitments become ineffective. As practice shows, double standards in the application of the principles guiding inter-State relations contribute to instability and obstruct the effective preventive measures.

Azerbaijan's consistent position with regard to the issue under consideration is well known and stems from its keen interest in contributing to the achievement of sustainable peace in our region and worldwide, as well as from our practical experience of facing armed aggression, violent separatism, foreign military occupation and ethnic cleansing.

The continuing aggression by Armenia against Azerbaijan has led to the seizure of a significant part of Azerbaijan's territory, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves, claimed the lives of tens of thousands of people, ruined cities and livelihoods and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties. Serious violations of international humanitarian law amounting to war crimes, crimes against humanity and acts of genocide were committed in the course of the conflict.

The coming month will be marked by the twenty-fifth anniversary of the atrocious crime committed by the Armenian armed forces and their affiliates against the civilians and defenders of the town of Khojaly, situated in the Nagorno-Karabakh region of Azerbaijan. What happened in Khojaly in February 1992 was the largest massacre in the conflict. The capture of the town involved the brutal killing of hundreds of Azerbaijanis, including women, children and the elderly, and thousands of civilians were wounded and taken hostage, many of whom remain missing, while the town was razed to the ground.

In 1993, the Security Council adopted its resolutions 822, 853, 874 and 884, in which the Council condemned the use of force against Azerbaijan, the occupation of its territories, attacks on civilians and the bombardment of inhabited areas. In those resolutions, the Council reaffirmed respect for the sovereignty and territorial integrity of Azerbaijan, reconfirmed that the Nagorno-Karabakh region is an integral part of Azerbaijan and demanded the immediate, full and unconditional withdrawal of the Armenian occupying forces from all the occupied territories.

Insofar as Sweden is currently presiding over the Security Council, I would like to recall the visit in October 1993 of the then Minister for Foreign Affairs of Sweden, Baroness Margaretha af Ugglas, to the three South Caucasus countries, in her capacity as Chairperson of the Conference on Security and Cooperation in Europe (CSCE) Council. At the arrival in Yerevan on 26 October 1993, she made a

statement, underlining that the acquisition of territory by force can never be condoned or accepted as a basis for territorial claims.[1] In the subsequent report on the outcomes of the visit, the Chairperson of the CSCE Council particularly emphasized the unconstructiveness of the Armenian side and expressed grave concern at the unacceptable scorched earth policy practiced by its armed forces.[2]

At the very time when there was a real possibility of halting the bloodshed, saving the lives of thousands of people and investing in development and prosperity, Armenia continued its annexationist policy.

Very little, if any, has changed since then. The Security Council's principled demands have still not been implemented, and the mediation efforts conducted for almost 25 years within the Organization for Security and Cooperation in Europe have yet to yield results.

Armenia persistently refuses to start meaningful peace negotiations, obstructs the conflict settlement process, regularly resorts to various provocations to escalate the situation in the conflict zone and tries to consolidate the current status quo.

The only way to achieve a durable and lasting solution is to ensure the immediate, complete and unconditional withdrawal of the Armenian armed forces from the Nagorno-Karabakh region and the other occupied territories of Azerbaijan. That is what international law and the Security Council demand.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under the agenda items 32 and 37, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

[1] CSCE Communication No. 284, Prague, 26 October 1993.
[2] CSCE Communication No. 301, Prague, 19 November 1993.